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Bell to see Attorney-General to discuss concern over case

MP applies to see MI5 officer awaiting trial

By Ian Black
and Nick Davies

An MP is applying to the governor of Brixton Prison for permission to visit Michael Bettaney, the MI5 officer awaiting trial on six charges under the Official Secrets Act.

Mr Stuart Bell, Labour MP for Middlesbrough and vice-chairman of his party's home affairs committee, said last night that he hoped to see Mr Bettaney after meeting the Attorney-General this week to discuss the case.

The MP is concerned that Mr Bettaney, the first member of the security service ever to be charged with spying, may not have a fair trial because of the exclusion of evidence and witnesses, purportedly on grounds of national security, that may be vital to his defence.

On March 9 Mr Bell, a barrister, received a letter from Mr Bettaney expressing these fears and saying that he was considering refusing to take part in the proceedings.

The trial, due to begin on April 10, is to be held in camera except for part of the opening prosecution speech by the Attorney-General, Sir Michael Havers, and the verdict.

The panel of prospective jurors for the trial is being vetted on a political basis by MI5 and the police special branch, another aspect of the case which concerns Mr Bell.

The checks carried out in this process treat as "subversive" members of the peace movement, elements of the Labour Party deemed "extremist" or people associated with industrial militancy. Anyone identified in one of these categories could be debarred from jury service.

Mr Larry Grant, Mr Bettaney's solicitor, said last night that although the names of the prospective jurors had been made available to the defence, as required by the Attorney-General's guidelines on vetting, the process.

"My client has instructed us

not to take part in jury vetting in any way," Mr Grant said. "First, he is opposed to it in principle in that it strikes at the very root of the jury system — namely the selection of a jury chosen at random.

"Secondly, even if we were to attempt to vet the jury the defence does not have the same facilities for making inquiries as the prosecution.

"To participate would reduce the process to a farce, as any objections to members of the jury by the defence would be bound to be based on unreliable information, tittle-tattle and gossip."

The Sunday Times yesterday published extracts from Mr Bettaney's letter to the MP, but, on legal advice, excised all reference to the pre-trial review held by Lord Lane, the Lord Chief Justice. It was then that directions were given to prosecuting and defence counsel about the manner in which the trial is to be conducted.

Mr Bell yesterday sent the letter to the Press Association, but the agency said it had "been advised that it cannot properly disclose its contents." Some lawyers, including those advising the Guardian, believe that to publish it in full constitutes a contempt of court.

Mr Bell said yesterday: "I have issued this letter with the utmost reluctance. The fact that I've held on to it for two weeks is an indication of my own deep concern that I might somehow be interfering with the process of justice.

"At the end of the day, however, I have to look at my parliamentary duty and say to myself: 'Are we setting precedents in this matter which the public ought to be aware of?' It is my view that public knowledge on this matter must override that possibility."

Mr Grant commented that his client's letter to Mr Bell "highlights some of the problems we face."

The charges against Mr Bettaney include one of communicating to an enemy an official intelligence services operating in the UK.